

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Mahendra R. Patel, et al.  
Application No.: 10/743,367  
Filing Date: December 22, 2003  
Confirmation No.: 7967  
Title: Extended Release Antibiotic Composition  
Examiner: Paul V. Ward  
Group Art Unit: 1624

RESPONSE TO RESTRICTION REQUIREMENT

MAIL STOP NON-FEE AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated May 13, 2010, the Applicants submit the following remarks.

In the Office Action, the Examiner issued a requirement that Applicant make an election between the Group I claims (Claims 1 – 14 and 18 – 19), the Group II claims (Claims 15 -- 17), and the Group III claims (Claim 20). Applicant hereby elects Group I but this election is made with traverse and is solely for the purpose of advancing prosecution of this case. It is believed that the requirement to restrict the invention is improper. The claims are sufficiently related that their respective classes would be thoroughly cross-referenced, and many of the same classes would be searched regardless of which group of claims was elected.

The Group I claims are directed to an extended release pharmaceutical composition comprising at least one antibiotic and greater than 50 weight percent of a polymer component having a viscosity of less than about 50 cps. The Group II claims are directed to process for preparing an extended release pharmaceutical composition comprising at least one antibiotic and